

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

Caption in compliance with D.N.J. LBR 9004-1(b)

**HILL WALLACK LLP**

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*Attorneys for Carrington Mortgage Services, LLC as  
servicer for THE BANK OF NEW YORK MELLON,  
F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR  
REGISTERED HOLDERS OF CWABS, INC., ASSET-  
BACKED CERTIFICATES, SERIES 2006-SPS2*

In Re:

Girvish Phelps

Debtor.

Chapter: 13

Case No.: 19-16308-ABA

Judge: Andrew B. Altenburg Jr.

Hearing: April 28, 2021

**OBJECTION OF CARRINGTON MORTGAGE SERVICES, LLC TO THE  
CONFIRMATION OF THE DEBTOR'S MODIFIED CHAPTER 13 PLAN**

Hill Wallack LLP, attorneys for the secured creditor, Carrington Mortgage Services, LLC as servicer for THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR REGISTERED HOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-SPS2 (“Carrington”) hereby objects to the confirmation of the Debtor’s Modified Chapter 13 Plan for the following reasons:

1. Carrington is a secured creditor of the debtors, Girvish Phelps (the “Debtor”) with respect to real property commonly known as 2 Tanglewood Court, Clayton, NJ 08312 (the “Property”).

2. Carrington filed its secured proof of claim identified as Claim #3-1 on June 7, 2019, setting forth a total amount due of \$49,931.66, including arrears in the amount of \$4,093.90.

3. Claim 3-1 includes a copy of the relevant instruments, and also a statement indicating that the Debtor's mortgage was scheduled to mature during the life of this bankruptcy case on August 01, 2020.

4. Debtor's Modified Plan of Reorganization is not confirmable because it fails to address the fact that the subject mortgage loan has reached maturity and is presently due to be paid in full. See, 11 U.S.C. §1322(c)(2) and §1325(a)(5).

For the foregoing reasons, Carrington respectfully requests this Court to enter an Order denying confirmation of the Debtor's Modified Plan, and for any other relief as the Court deems appropriate.

Respectfully submitted,  
HILL WALLACK LLP  
Attorneys for Carrington Mortgage Services,  
LLC as servicer for THE BANK OF NEW  
YORK MELLON, F/K/A THE BANK OF  
NEW YORK AS TRUSTEE FOR  
REGISTERED HOLDERS OF CWABS,  
INC., ASSET-BACKED CERTIFICATES,  
SERIES 2006-SPS2

/s/ Angela C. Pattison  
Angela C. Pattison

Dated: April 21, 2021

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**HILL WALLACK LLP**

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*Attorneys for Carrington Mortgage Services, LLC  
as servicer for THE BANK OF NEW YORK*

*MELLON, F/K/A THE BANK OF NEW YORK AS  
TRUSTEE FOR REGISTERED HOLDERS OF  
CWABS, INC., ASSET-BACKED CERTIFICATES,  
SERIES 2006-SPS2*

In Re:

**Girvish Phelps**

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**CERTIFICATION OF SERVICE**

1. I, Nadia Chineppe:

- represent the \_\_\_\_\_ in the above-captioned matter.  
 am the secretary/paralegal for Hill Wallack LLP, who represents the Creditor in the above captioned matter.  
 am the \_\_\_\_\_ in the above case and am representing myself.

2. On April 21, 2021, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below: ***Objection to Plan***

I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: April 21, 2021

/s/ Nadia Chineppe

Nadia Chineppe

| Name and Address of Party Served   | Relationship of Party to the Case | Mode of Service   |
|--|-----------------------------------|---|
| Girvish Phelps<br>2 Tanglewood Circle<br>Clayton, NJ 08312   | Debtor                            | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *)            |
| Andrew M. Carroll<br>Andrew M. Carroll, Esq.<br>427 N Packard St.<br>08037<br>Hammonton, NJ 08037                                    | Debtor's Counsel                  | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *) |
| Isabel C. Balboa<br>Chapter 13 Standing Trustee<br>Cherry Tree Corporate Center<br>535 Route 38 - Suite 580<br>Cherry Hill, NJ 08002 | Trustee                           | <input type="checkbox"/> Hand-delivered<br><input checked="" type="checkbox"/> Regular mail<br><input type="checkbox"/> Certified mail/RR<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)<br><input type="checkbox"/> Other _____<br>(as authorized by the court *) |

\*May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.